

**MINUTES OF MEETING
STATE SOIL AND WATER CONSERVATION COMMITTEE
MONTGOMERY, ALABAMA**

*MEETING DATE: May 6, 2020
TELECONFERENCE STATE OFFICE
RSA UNION BUILDING, MONTGOMERY, AL*

**Soil & Water Conservation
Committee Board**

Members Present:

Charles Holmes- Chair
Dr. Carol Knight
Johnny Lee- Vice Chair
Dr. Gary Lemme
Jake Harper
Vaughn Poe
Andy Chamness
Ricky Cornutt
Dr. Paul Patterson

Dr. William Puckett
Executive Director

Other:

Bill Bailey, FPAC
Bob Plaster, ADAI
Debbie Clements, ACDEA
Cynthia Price, AG Statistics
Angie Porter, Pickens SWCD
Brian Harden, ALFA
Mitt Walker, ALFA
John Porter, AGO
Bettie Carmack, AGO
Joey Koptis, PSC
William Green, ALFA
Carla Hornady, ALFA
Rhonda Bryars, AACDC
Shelly Hyde, AACDC
Laura Smith, Baldwin SWCD
Chris Megginson
Lori Woodfin, AACDC

AACD:

Courtney Curenton
Mickey Smith
Sabra Sutton
Casey Fulford

NRCS:

Ben Malone
Richard Collier
Steve Musser
John Hughes
Greg Dansby
April Hill
Shannon Weaver

SWCC:

Debra Brooks
Kathy Gotcher
Ashley Henderson
Julia Soohoo
Earl Norton

Charles Holmes called the meeting to order at 9:00 a.m. Debra Brooks and Rhonda Bryars recorded the minutes. Prior notice of the meeting was given in accordance with the Alabama Open Meetings Act.

A lawful quorum was present for this meeting.

Invocation – Dr. Carol Knight

Roll call of the Board Meeting – Charles Holmes

Welcome Guest and Introductions – William Puckett

Minutes - Motion made by Dr. Carol Knight to approve the minutes of January 8, 2020; seconded by Jake Harper; motion carried with no objections.

Appointment/Reappointment of District Supervisors - Motion made by Vaughn Poe to approve appointments, reappointments and resignations; seconded by Dr. Gary Lemme; the Committee approved the reappointment of 30 Supervisor, 4 new Supervisors, reappointments of 17 Supervisors were tabled until next meeting pending receipt of Reaffirmation and Oath of Office; accepted resignation of 5 Supervisors and 3 deceased Supervisors. Motion carried with no objections.

COVID-19 Update and District Impacts- Dr. Puckett referred the Committee to the memos and emails in their meeting materials that had been sent out since March 16, 2020. The memos and emails were all in response to Governor Ivey's Memos on COVID-19 State Government Operations on "Stay-at-Home", Guidelines for Determining Essential Employees and Utilizing Telework, and Open Meetings Act. Dr. Puckett stated that the "Safer-at-Home" memo was in effect until May 15, at which time the Governor would issue new directions. Dr. Puckett also stated that under Safer-at-Home, reopening of districts, staffing, telework, and flexible schedules were up to the local district boards and should be coordinated with NRCS.

FY20 Budget - Dr. Puckett gave an update on the FY20 Budgets for both the Committee and Commission. No action needed.

Review of Attorney General's Opinion on Immunity – John Porter, Attorney General's Office, provided an overview of his opinion on immunity as provided in Act 2019-227 and the Volunteer Act for loaned or rented equipment as requested by the Committee. Mr. Porter stated that Act 2019-227 provided Supervisors with little additional immunity but did expand coverage to the districts and staff. Supervisors are covered under the Volunteer Act which provides immunity if supervisors are acting in good faith, within the scope of official functions and duties, and damage or injury was not caused by willful or wanton misconduct. Mr. Porter explained the definitions of willful and wanton misconduct. Mr. Porter stated that Act 2019-227 extended immunity to districts and staff when loaning or renting equipment if equipment is maintained in proper working condition, transaction was in good faith, and damage and injury was not caused by unreasonable behavior. Mr. Porter emphasized that districts should use industry accepted practices for how equipment was maintained. He encouraged the Committee to check with NACD on how other districts around the county handled rental equipment. Dr. Puckett stated that the Committee would develop a memorandum to inform districts about the Attorney General's Opinion on loaned or rented equipment.

Review Examiners of Public Accounts' Report on Tallapoosa SWCD – Information was sent out via email March 25, 2020, to all Districts with a copy and link to review the Tallapoosa SWCD Examiner's Report. Districts were asked to review the report and its recommended actions at a board meeting and send confirmation that it was reviewed to the SWCC office, attention Rhonda Bryars by September 30, 2020. Dr. Puckett stated that the deadline may be adjusted due to impacts from COVID-19.

Approval of United States Geological Survey Agreement – Ashley Henderson, asked the Committee to approve an agreement with the United States Geological Survey for \$10,000. The project will provide online statistics for ungauged streams to predict low water flows. The information is needed to support the irrigation project and has widespread partner support. Motion made by Ricky Cornutt to support the project for \$10,000; seconded by Jake Harper; motion carried with no objections.

Update on MOA and District Level Unfunded Cooperative Agreement – Ben Malone deferred the update and discussion to John Hughes. Mr. Hughes stated that the draft MOA was completed and that the draft district level unfunded cooperative agreement was almost completed. Mr. Hughes said he would send the completed agreements to SWCC. SWCC staff would be responsible for working with individual districts to get the agreements signed and returned to NRCS. Dr. Puckett stated that Ms. Bettie Carmack, Attorney General's Office, had reviewed the unfunded Cooperative Agreement and found nothing objectionable.

Approve reappointment of Sanderson Page to the Professional Soil Classifier's Board – Joey Koptis asked the Board to reappoint Sanderson Page for one term of five years to the Professional Soil Classifier's Advisory Board. Motion made by Dr. Carol Knight to reappoint Mr. Page; seconded by Johnny Lee. Motion carried with no objections. Mr. Koptis reported that there were two candidates to take the PSC exam. The exam is usually taken the 3rd Tuesday in June but due to the closure of Auburn University, the exam location and date will be announced later. Mr. Koptis also stated that the advisory council had increase dues to maintain certification as a PSC for FY21-22. He stated that the Advisory Council will be contacting other states to review their requirements for certification in order to modify Alabama's requirements.

Update on Irrigation and Feral Swine Projects– Ashley Henderson updated the committee on the Irrigation and Feral Swine Projects.

State of Economic Interest due April 30, 2020 – Dr. Puckett stated that according to the Ethics Commission's website all members had completed their ethics requirements by the due date.

AACD Areas II and III appointments for Committee Members expire 04/30/2020 – Dr. Puckett reminded the Committee that members from AACD Areas II and III were up for appointment this year.

Partner Updates:

Natural Resources Conservation Service – Ben Malone reported that the NRCS staffing cap had been increased from 149 to 153. Mr. Malone updated the staff on NRCS activities.

Alabama Forestry Commission - No report. AFC personnel not in attendance on the teleconference.

AG Statistics Service – NASS office is open and most of the staff is working from home. There are changes to the data collection, no face to face interaction and they will not be conducting

June survey. Will be conducting an irrigation survey on organizations and the results will be available December 17, 2020.

Alabama Association of Conservation Districts - Sabra Sutton gave an update on AACD activities. She stated that the SENACD meeting scheduled for August 2020, will likely be postponed until 2021. She also stated that AACD's annual meeting will be held in November or December 2020 with the location TBD.

Erosion and Sediment Control – Earl Norton stated that Clear Water Alabama 2019 was a success. Mr. Norton thanked the Autauga SWCD, the Cities of Prattville and Montgomery, and the Montgomery Water Works and Sanitary Sewer Board for their support. He also stated that Clear Water AL 2020 will be held at Camp Meadowbrook in Cullman County, September 23-24. Additionally, he stated that Ms. Shelly Hyde was developing a phone app for the “Field Guide for Erosion and Sediment Control on Construction Sites in Alabama” that would make the data available in the field. Perry Oakes and Earl Norton will also be available for “Lunch and Learn” throughout the State as requested. Alex James will also be available to help local governments initiate stream protection planning.

AL Ag & Industries – Bob Plaster assured the Committee that Alabama's food supply was safe, abundant, and sustainable. He stated that the department was working to expand small meat processing across Alabama. He also said that 130 farmers had registered under the Sweet Grown Alabama brand but the goal to be sustainable was 250. He asked Committee members to encourage farmers back home to register for Sweet Grown Alabama.

ALFA – Brian Harden thanked the Committee for their work and stated that he was excited about the irrigation and feral swine programs.

FFA – Mr. Chamness stated that the FFA State Convention was rescheduled for August 3-5, 2020 at the Renaissance in Montgomery, AL.

ACDEA – Debbie Clements updated the Committee on ACDEA activities.

FPAC -Bill Bailey reported on FPAC activities.

Other Business- No other business was discussed.

The meeting was adjourned at 11:04 am.

Next Scheduled Meeting – The next meeting will be at the RSA Union Building, Conference Room 300, on September 16, 2020, at 9:00 am.

Submitted by:

CHARLES A. HOLMES, CHAIRMAN
STATE SOIL & WATER
CONSERVATION COMMITTEE

DATE

DR. WILLIAM E. PUCKETT
EXECUTIVE DIRECTOR

DATE

DEBRA BROOKS
RECORDING SECRETARY

DATE

DRAFT